

LIST OF EXHIBITS AND WITNESSES

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PIN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

MAUREEN HARRINGTON
*AS PERSONAL REPRESENTATIVE
FOR THE ESTATE OF BLAINE
HARRINGTON III,*

Plaintiff,

v.

DEEPAK DUGAR, M.D. a
MEDICAL CORPORATION,

Defendant.

Civil Action No. 2:22-cv-08230-
HDV-E

TRIAL EXHIBIT LIST

EXHIBIT LIST

| Ex. # | DESCRIPTION | DATE ADMITTED |
|----------|------------------------------|------------------|
| P-1 | 20121008_nm- tex_2051.jpg | May 28, 2024 |
| P-2 | Copyright Registration | May 28, 2024 |
| P-3 | Image on Blaine Website | May 28, 2024 |

| EX. # | DESCRIPTION | DATE ADMITTED |
|------------------|---|--------------------------|
| P-4 | PhotoShelter Security Setting | May 28, 2024 |
| P-5 | "Albuquerque Patients Looking for a Specialist" Blog Page | May 28, 2024 |
| P-6 | Blaine Harrington Declaration in Harrington v. Equity Asset & Property Management | May 28, 2024 |
| P-7 | Mullen Lowe Invoice # 1935 | May 28, 2024 |
| P-8 | AAA Living Invoice # 1929 | May 28, 2024 |
| P-9 | Allied-Springbok Invoice # 2040 | May 28, 2024 |
| P-10 | ANDRES RESTREPO # 2047 | May 28, 2024 |
| P-11 | Charleston Invoice # 1415 | May 28, 2024 |
| P-12 | Karsh & Hagan Invoice # 1983 | May 28, 2024 |
| P-13 | Karsh & Hagan Invoice # 2034 | May 28, 2024 |
| P-14 | Nikon Invoice # 1437 | May 28, 2024 |
| P-15 | Nikon Invoice # 1775 | May 28, 2024 |
| P-16 | NZ Story Invoice # 2032 | May 28, 2024 |

| EX. # | DESCRIPTION | DATE ADMITTED |
|----------|--|------------------|
| P-17 | Smithsonian Invoice # 1487 | May 28, 2024 |
| P-18 | Teaching Company Invoice # 1588 | May 28, 2024 |
| P-19 | Tourism New Zealand # 1812 | May 28, 2024 |
| P-20 | March 31, 2016 Agreement with GuestLife | May 28, 2024 |
| P-21 | Feb. 26, 2016 Invoice to Soto Properties | May 28, 2024 |
| P-22 | Nov. 18, 2013 Invoice to ZUK ELBA | May 28, 2024 |
| P-23 | Complaint in <u>Blaine Harrington v. Deepak Dugar, M.D., a Medical Corporation</u> | May 29, 2024 |
| P-24 | Subject Image Pinpoint URL on Defendant's Website | May 29, 2024 |
| P-25 | Declaration of Deepak Dugar | May 29, 204 |
| P-26 | Dugar's Responses to First Request for Admissions | May 29, 2024 |
| P-27 | "Chicago Patients Looking for a Renowned..." Blog Page | May 29, 2024 |

| Ex. # | DESCRIPTION | DATE ADMITTED |
|------------------|---|--------------------------|
| P-28 | "New York Patients Looking for a Renowned..." Blog Page | May 29, 2024 |
| P-29 | Nose Job Doctor Beverly Hills - Out of Town Patients | May 29, 2024 |
| P-30 | "Atlanta Patients Looking for a Rhinoplasty..." Blog Post | May 29, 2024 |
| P-31 | "Patients in Australia Searching for the Best..." Blog Post | May 29, 2024 |
| P-32 | "Best Rhinoplasty Surgeon in Dubai" Blog Post | May 29, 2024 |
| P-33 | Dugar Terms and Conditions | May 29, 2024 |

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MAUREEN HARRINGTON,
*AS PERSONAL REPRESENTATIVE FOR THE ESTATE
OF BLAINE HARRINGTON III,*

Civil Action No. 2:22-cv-08230-HDV-E

PLAINTIFF'S WITNESS LIST

Plaintiff,

v.

DEEPAK DUGAR, M.D. a MEDICAL
CORPORATION,

Defendant.

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| Witness's Name*, Title, Affiliation (If Relevant) | Summary of Testimony / Why Testimony Is Unique | Direct Exam (Hours) | Cross Exam (Hours) | Dates of Testimony |
|---|---|---------------------|--------------------|--------------------|
| Maureen Harrington, Plaintiff, Personal Representative of the Estate of Blaine Harrington III (Plaintiff's Witness) | Mrs. Harrington will testify to her knowledge of Mr. Harrington's photography business. Her testimony is unique because she is the representative of Mr. Harrington's estate and is his next of kin by which she possesses some knowledge of his photographs and his experience (e.g., his career), based on whatever knowledge she possesses as his surviving spouse. | 2 hour(s) | 1 hour(s) | 5/28/24 |
| Dr. Deepak Dugar, M.D., Owner of Deepal Dugar, M.D., a Medical Corporation (Defendant's Witness) | Dr. Dugar will testify as to how the photograph became displayed on his website, whether he licensed the work or had permission to do so, and how the work was used. Dr. Dugar's testimony is unique because he has the best knowledge of Defendant's use of the Work. | 3 hour(s) | 2 hour(s) | |
| Blaine Harrington III (deceased) | Mr. Harrington's testimony will be limited to deposition transcript testimony and video testimony from the deposition of Blaine Harrington III. Mr. Harrington's deposition will focus on his photograph business. The testimony will concern how he took photographs, the technique and skill behind them, as well as the value of his work. Mr. Harrington's testimony is unique because he is the photographer who captured the Work at issue in this lawsuit. He was in the best position to opine as to the | 5 hour(s) | 3 hour(s) | 5/28/24 |

| Witness's Name*, Title, Affiliation (If Relevant) | Summary of Testimony / Why Testimony Is Unique | Direct Exam (Hours) | Cross Exam (Hours) | Dates of Testimony |
|--|--|------------------------|-----------------------|-----------------------|
| | value of his work, as well as the technique and skill it took to capture his photographs. | | | |
| | | | | |

*Indicates that witness will be called only if the need arises.

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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

MAUREEN HARRINGTON

Case NO.: 2:22-cv-08230-HDV-E

Plaintiff,

v.

DEFENDANT'S WITNESS LIST

**DEEPAK DUGAR, M.D.
A MEDICAL CORPORATION**

Defendant

Defendant Deepak Dugar, M.D., a Medical Corporation ("Dugar Corp."), by its undersigned counsel, acting pursuant to this Court's Scheduling Order filed September 12, 2023 [Doc. 99], L.R. 16-5, and the Court's Civil Trial Order [Doc/ 100], submits its Witness list for the trial of this matter.

| Witness's Name | Summary of Testimony | Direct Examination | Cross Examination | Date Of Testimony |
|-----------------------|--|---------------------------|--------------------------|--------------------------|
| Deepak Dugar | Dr. Dugar will describe his medical background and practice, how he arranged to have a website designed; the role he played in the creation of the website; that he delegated the task of creating content of the website, including the selection of photographs, to his office manager, in whom he placed trust and understood she knew not to use content in the website that was owned or copyrighted by others. His testimony is unique in that he is the person who is knowledgeable about his medical practice and the function and creation of the website involved. | 2 hours | 1 hour | 5/29/24 |

| | | | | |
|-----------------------|--|---------|--------|--------------------------------------|
| *Alexa Frisch | Ms. Frisch was the office manager of Dugar Corp. in 2020. She may testify that she was tasked to create the content of Dugar Corp's website; that she selected the photo for inclusion in a blog on that website; that she found the photo on a website pursuant to a search she made, which gave no indication that Mr. Harrington or anyone else owned the copyright in the photo, and on that basis believed it was proper to use the photo. She is uniquely able to testify about these aspects of her location of the photo of the website. | | | 5/29/24 |
| Blaine Harrington III | Mr. Harrington was the photographer who claimed to own the copyright in the photo that is the subject of this lawsuit. He is deceased. His testimony will be presented in a video deposition. The testimony will include facts about his activities in threatening hundreds and suing people for copyright infringement; his delegation of complete responsibility for litigation to his attorneys; the absence of efforts he made to prevent the availability of his photos on the web without attribution of his ownership; and how his litigation activities were separate from his occupation as a photographer and from which he earned over \$500,000 in a five-year period, representing more than 50 percent of his personal income. His testimony and exhibits offered will show that he, through his lawyers, misleads the targets of his threats about their liability. That testimony is unique and essential to Defendant's proof of its defense of copyright misuse. A listing of the portion of his testimony | 6 hours | 1 hour | by video Depo 5/29/24; 5/30/24 |

| | | | | |
|--------------------|--|--------|------------|--|
| | from the transcript of his deposition is submitted herewith along with a copy of the relevant portions of that transcript shown as highlighted. | | | |
| Maureen Harrington | Mrs. Harrington is expected to testify that it was the intention of Plaintiff to make settlement demands of alleged infringers for much more than the value of Plaintiff's infringement claims in order to coerce settlements of amounts greater than the value of the claims because of the fear of defendants incurring amounts of attorneys fees they could not afford. She will corroborate testimony from Mr. Harrington's deposition concerning the delegation of authority to determine the value of his photos and the terms on which they chose to settle claims. She is the only person who is available to testify to that intention. | 1 hour | 30 minutes | |

Respectfully submitted,

By: /s/ Jeffrey L. Squires
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